IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6950 of 2006(P)

CR.NO.86/06 OF SULTHAN BATHERY EXCISE RANGE.

PETITIONER/ACCUSED

PRAKASAN, S/O.BHASKARAN,
VALKKATHANATH HOUSE, PATHIRIYAMBAM,
KAYAKUNNU, NADAVAYAL VILLAGE, SULTHAN BATHERY
TALUK.

BY ADV. SRI.K.P.MUJEEB

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.6950 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the sole accused in C.R.No.86/06 of Sulthan Bathery Excise Range for offences punishable under sections 8(1) and 8 (2) of the Abkari Act for allegedly having been found in possession of 5.2 litres of illicit Karnataka arrack in 53 packets on 4.10.2006, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature involving grave offences. Moreover, I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the release of the petitioner on bail. There is no reason why the petitioner should not seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this observation, this application is dismissed.

V.RAMKUMAR, JUDGE

dsn